

Appl. No. : 09/870,619  
Filed : May 31, 2001

### REMARKS

In response to the Office Action mailed January 16, 2003, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the above amendments and the following comments.

#### Allowable Subject Matter

The Examiner has indicated that Claims 5-7, 12-16, 20, 23-25, 30-34, 41-43, and 48-52 contain allowable subject matter and would be in condition for allowance if rewritten into independent form.

Claim 12 has been rewritten into independent form including all the limitations any intervening claims. Claim 12 is therefore in condition for allowance. Claims 13-16 depend upon Claim 12 and for at least this reason these claims are also in condition for allowance.

Claim 20 has been rewritten into independent form including all the limitations any intervening claims. Claim 20 is therefore in condition for allowance.

Claim 30 has been rewritten into independent form including all the limitations any intervening claims. Claim 30 is therefore in condition for allowance. Claims 31-34 depend upon allowable Claim 30 and for at least this reason these claims are also in condition for allowance.

Claim 48 has also been rewritten into independent form including all the limitations any intervening claims. Claim 48 is therefore in condition for allowance. Claims 48-52 depend upon allowable Claim 30 and for at least this reason these claims are also in condition for allowance.

#### Matters of Form

Applicant has amended the abstract to correct the informality noted by the Examiner. Applicant has also amended Claims 1, 19 and 37 to correct the informalities noted by the Examiner. Claims 37 and 46 have been amended to correct informalities noted by Applicant. Specifically, Claim 37 now recites "the supply section comprising a first hydraulic passage and a second hydraulic passage that are in hydraulic communication with the setting section" and Claim 46 now recites "the lubrication passages including a supply passage that is in communication with the control section ~~common passage~~."

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### Claim Rejections

Claims 1-4, 10-11, 17-19, 21-22, 28-29, 35-40, 46-47 and 53-54 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Nakamura (U.S. Patent No. 5,797,363). Claims 8-9, 26-27 and 44-45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakamura in view of Deguchi (JP 11132016). Applicant respectfully disagrees with the rejection of these Claims. Nevertheless, to advance prosecution, Applicant has amended these claims as outlined below to more particularly and distinctly claim Applicant's invention.

For example, Claim 1 now recites, in part, an engine comprising a control valve positioned within a common hydraulic passage "and a bearing cap located near an upper end of the camshaft, the bearing cap configured to cooperate with the cylinder head assembly so as to support the camshaft for rotation and at least a portion of the common hydraulic passage being formed in the bearing cap."

Claim 19 now recites, in part, an engine comprising an control valve positioned within a common hydraulic passage "and a lubrication system and lubrication passages, the lubrication passages including a supply passage that is in communication with the common passage, wherein the supply passage is defined, at least in part in a bearing cap that is located near an upper end of the camshaft, the bearing cap configured to cooperate with the cylinder head assembly so as to support the camshaft for rotation."

Claim 37 now recites, in part, an engine comprising an a variable valve timing mechanism having a setting section, a supply section, and a control section "the supply section comprising a first hydraulic passage and a second hydraulic passage that are in hydraulic communication with the setting section and the control section, the first hydraulic passage and the second hydraulic passage not extending through a generally horizontal plane that contains a central axis that extends through the control valve."

Applicant respectfully submit that the cited references do not disclose, *inter alia*, an engine with the above-noted limitations. For at least these reasons, Applicant respectfully submits that Claims 1, 19 and 37 are in condition for allowance. Claims 2-4, 8-11, 17-18, 21-22, 26-28-29, 35,46, 38-40, 44-47 and 53-54 are also in condition for allowance because, *inter alia*, they depend either directly or indirectly upon one of allowable Claims 1,19 and 37.

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### New Claims

Applicant has added new Claims 55-59. Applicant respectfully submits that these claims are also in condition for allowance. For example, the cited art does not disclose either alone or in combination an engine including a variable valve timing mechanism having a control valve "comprising an actuator portion and a valve portion, the control valve configured to selectively open and close the first and second openings such that hydraulic fluid is selectively supplied to either [a] first space or [a] second space, and a cylinder head cover, the valve portion of the control valve lying within the cylinder head cover" as recited in Claim 55. Claims 56-59 are also in condition for allowance because *inter alia*, they depend either directly or indirectly upon one of allowable Claim 55.

### CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Respectfully submitted,  
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